

**REPORT OF THE COMMITTEE ON LEGISLATION
AND INTERGOVERNMENTAL RELATIONS**

November 14, 2012

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: Chairman Suffredin, Commissioners Daley, Garcia, Gorman, Goslin, Murphy, Reyes, Schneider and Silvestri (9)

Absent: Vice Chairman Fritchey, Commissioners Beavers, Butler, Collins, Gainer, Sims, Steele and Tobolski (8)

Ladies and Gentlemen:

Your Committee on Legislation and Intergovernmental Relations of the Board of Commissioners of Cook County met pursuant to notice on Wednesday, November 14, 2012 at the hour of 9:15 A.M. in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois.

Your Committee has considered the following item and, upon adoption of this report, the recommendation is as follows:

320600 SUPPORTING THE REPORTING OF LOST OR STOLEN FIREARMS (PROPOSED RESOLUTION). Submitting a Proposed Resolution sponsored by Larry Suffredin, John P. Daley and Edwin Reyes, County Commissioners.

SUPPORTING THE REPORTING OF LOST OR STOLEN FIREARMS

WHEREAS, gun violence is a public health epidemic that touches the lives of ALL Americans, and every year thousands of families, friends, schools and communities are devastated by gun violence; and

WHEREAS, according to the National Center for Injury Prevention and Control, 1,064 people died from gun injuries in Illinois in 2010, the most recent year for which statistics are available; and

WHEREAS, federal law 18 U.S.C. § 923 (g)(6) requires licensed firearms dealers, but not firearms owners, to report the loss or theft of firearms to law enforcement within 48 hours; and

WHEREAS, laws requiring the reporting of lost or stolen firearms are beneficial to law enforcement because: (1) when a crime gun is traced by law enforcement to the last purchaser of record, that person may falsely claim that the gun was lost or stolen to hide his or her involvement in the crime or in gun trafficking; and (2) reporting laws provide a tool for law enforcement to detect this behavior and charge criminals who engage in it; and

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WHEREAS, a December 2008 report by Mayors Against Illegal Guns entitled "*The Movement of Illegal Guns in America: The Link between Gun Laws and Interstate Gun Trafficking*" concluded that lost or stolen firearm reporting laws "can help law enforcement more easily identify and prosecute gun traffickers;" and

WHEREAS, a September 2010 report by Mayors Against Illegal Guns entitled "*Trace the Gun: The Link Between Gun Laws and Interstate Gun Trafficking*," presented data showing that states that do not require gun owners to report lost or stolen guns to police are the source of guns used in crimes that are recovered in other states at a rate more than two and a half times greater than states that have lost or stolen reporting laws; and

WHEREAS, reporting laws help disarm persons prohibited from possessing firearms. When a person who legally owned a gun falls into a prohibited category, it is crucial for law enforcement to be able to remove the firearm from his or her possession. For example, a gun owner who is convicted of a felony or who becomes the subject of a domestic violence restraining order is not permitted under federal law to continue to possess firearms. However, when ordered to surrender a firearm by law enforcement or a judge, the owner may falsely claim it has been lost or stolen; and

WHEREAS, reporting laws protect gun owners from unwarranted criminal accusations when their guns are recovered at a crime scene, and make it easier for law enforcement to locate a lost or stolen firearm and return it to its lawful owner. A 2007 report, the International Association of Chiefs of Police concluded that, "law enforcement's early awareness of every lost and stolen gun will enhance their ability to recover those guns and reduce gun violence" and recommended that state and local governments mandate reporting of lost or stolen firearms; and

WHEREAS, according to a 2000 report from the Bureau of Alcohol, Tobacco & Firearms entitled "*Following the Gun: Enforcing Federal Laws Against Firearms Traffickers*," at least 500,000 firearms are stolen each year from residences across the United States; and

WHEREAS, the extreme danger firearms pose to public safety requires a heightened level of accountability on the part of individuals who choose to own firearms; and

WHEREAS, laws requiring the reporting of lost or stolen firearms have been adopted in jurisdictions throughout the country. Firearm owners are currently required to report lost or stolen firearms in seven states and the District of Columbia, and in a number of local jurisdictions in California and Pennsylvania, as well as in certain other major cities, including Chicago, Illinois; Hartford, Connecticut; and New York, New York; and

WHEREAS, the American public overwhelmingly supports laws requiring the reporting of lost or stolen firearms. A 2011 survey by American Viewpoint/Momentum Analysis of public attitudes toward gun violence prevention measures found almost unanimous support for these laws: 94% of all people surveyed, including 94% of gun owners polled, favored reporting laws; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Cook County urge the Illinois General Assembly to require firearm owners to report to law enforcement if a firearm they own or possess is lost or stolen; and

BE IT FURTHER RESOLVED, that the Board of Commissioners of Cook County believes that requiring the reporting of lost or stolen guns will help improve public safety by deterring gun trafficking, improving gun crime investigations, protecting gun owners from unwarranted accusations, and enabling law enforcement to disarm ineligible gun owners and return lost or stolen firearms to their owners.

BE IT FURTHER RESOLVED, that the Board of Commissioners of Cook County does hereby urge the Illinois General Assembly to improve state laws that make gun owners accountable for their firearms and require them to act responsibly; and

BE IT FURTHER RESOLVED, that the Board of Commissioners of Cook County urges the Illinois General Assembly to enact a law making it unlawful for a person who resides in Illinois to fail to report to law enforcement the theft or loss of a firearm he or she owns or possesses within forty-eight (48) hours of the time he or she knew or reasonably should have known that the firearm had been stolen or lost.

***Referred to the Legislation and Intergovernmental Relations Committee on 11/01/12.**

Commissioner Daley, seconded by Commissioner Murphy, moved to Accept the Substitute to Communication No. 320600. The motion carried.

SUBSTITUTE RESOLUTION TO COMMUNICATION NO. 320600

Sponsored by

LARRY SUFFREDIN, JOHN P. DALEY, BRIDGET GAINER AND EDWIN REYES,
COOK COUNTY COMMISSIONERS

Supporting the Reporting of Lost or Stolen Firearms

WHEREAS, gun violence is a public health epidemic that touches the lives of ALL Americans, and every year thousands of families, friends, schools and communities are devastated by gun violence; and

WHEREAS, according to the National Center for Injury Prevention and Control, 1,064 people died from gun injuries in Illinois in 2010, the most recent year for which statistics are available; and

WHEREAS, federal law 18 U.S.C. § 923 (g)(6) requires licensed firearms dealers, but not firearms owners, to report the loss or theft of firearms to law enforcement within 48 hours; and

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WHEREAS, laws requiring the reporting of lost or stolen firearms are beneficial to law enforcement because: (1) when a crime gun is traced by law enforcement to the last purchaser of record, that person may falsely claim that the gun was lost or stolen to hide his or her involvement in the crime or in gun trafficking; and (2) reporting laws provide a tool for law enforcement to detect this behavior and charge criminals who engage in it; and

WHEREAS, Cook County States Attorney Anita Alvarez has long supported legislation to require the reporting of lost or stolen firearms to law enforcement; and

WHEREAS, Cook County States Attorney Anita Alvarez encouraged Illinois State Representatives Edward Acevedo, Eddie Winters, Maria Antonia Berrios and Luis Arroyo to introduce House Bill 1855, which requires the reporting of lost or stolen firearms to law enforcement; and

WHEREAS, a December 2008 report by Mayors Against Illegal Guns entitled "*The Movement of Illegal Guns in America: The Link between Gun Laws and Interstate Gun Trafficking*" concluded that lost or stolen firearm reporting laws "can help law enforcement more easily identify and prosecute gun traffickers;" and

WHEREAS, a September 2010 report by Mayors Against Illegal Guns entitled "*Trace the Gun: The Link Between Gun Laws and Interstate Gun Trafficking*," presented data showing that states that do not require gun owners to report lost or stolen guns to police are the source of guns used in crimes that are recovered in other states at a rate more than two and a half times greater than states that have lost or stolen reporting laws; and

WHEREAS, reporting laws help disarm persons prohibited from possessing firearms. When a person who legally owned a gun falls into a prohibited category, it is crucial for law enforcement to be able to remove the firearm from his or her possession. For example, a gun owner who is convicted of a felony or who becomes the subject of a domestic violence restraining order is not permitted under federal law to continue to possess firearms. However, when ordered to surrender a firearm by law enforcement or a judge, the owner may falsely claim it has been lost or stolen; and

WHEREAS, reporting laws protect gun owners from unwarranted criminal accusations when their guns are recovered at a crime scene, and make it easier for law enforcement to locate a lost or stolen firearm and return it to its lawful owner. A 2007 report, the International Association of Chiefs of Police concluded that, "law enforcement's early awareness of every lost and stolen gun will enhance their ability to recover those guns and reduce gun violence" and recommended that state and local governments mandate reporting of lost or stolen firearms; and

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WHEREAS, laws requiring the reporting of lost or stolen firearms have been adopted in jurisdictions throughout the country. Firearm owners are currently required to report lost or stolen firearms in seven states and the District of Columbia, and in a number of local jurisdictions in California and Pennsylvania, as well as in certain other major cities, including Chicago, Illinois; Hartford, Connecticut; and New York, New York; and

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BE IT FURTHER RESOLVED, that the Board of Commissioners of Cook County believes that requiring the reporting of lost or stolen guns will help improve public safety by deterring gun trafficking, improving gun crime investigations, protecting gun owners from unwarranted accusations, and enabling law enforcement to disarm ineligible gun owners and return lost or stolen firearms to their owners; and

BE IT FURTHER RESOLVED, that the Board of Commissioners of Cook County does hereby urge the Illinois General Assembly to improve state laws that make gun owners accountable for their firearms and require them to act responsibly by passing House Bill 1855 or a similar bill; and

BE IT FURTHER RESOLVED, that the Board of Commissioners of Cook County urges the Illinois General Assembly to enact a law making it unlawful for a person who resides in Illinois to fail to report to law enforcement the theft or loss of a firearm he or she owns or possesses within forty-eight (48) hours of the time he or she knew or reasonably should have known that the firearm had been stolen or lost.

Commissioner Daley, seconded by Commissioner Murphy, moved the Approval of Communication No. 320600 as Substituted. The motion carried.

Commissioner Daley, seconded by Commissioner Garcia, moved to Amend the Substitute to Communication No. 320600, replacing "48 hours" with "72 hours" in the last paragraph. The motion carried.

Chairman Suffredin stated that the Substitute as Amended to Communication No. 320600 will be mailed to each individual member of the Illinois Legislature.

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Chairman Suffredin asked the Secretary to the Board to call upon the registered public speaker, in accordance with Cook County Code, Sec. 2-107(dd).

1. Colleen Daley – Executive Director, Illinois Council Against Handgun Violence


Commissioner Daley moved to Adjourn the meeting, seconded by Commissioner Silvestri. The motion carried and the meeting was adjourned.

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION
WITH REGARD TO THE MATTERS NAMED HEREIN:**


Communication Number 320600 Approved Substitute as Amended

Respectfully submitted,

Committee on Legislation and
Intergovernmental Relations


Larry Suffredin, Chairman

Attest:


Matthew B. DeLeon, Secretary

*A video recording of this meeting is available on the Office of the Secretary to the Board's web site on the Video Page at <http://blog.cookcountyil.gov/secretarytotheboard/county-board-proceedings/county-board-video-and-audio/>